

REMARKS

Applicants gratefully acknowledge the Office Action mailed April 7, 2003 indicating that claims 1, 3-4, and 13-16 are allowed.

Rejection of Claims 2, 5-12 and 17-24 under 35 USC § 112(2)

The Examiner has rejected the above-referenced claims as allegedly indefinite in the lack of antecedent basis for the term "said surface marker" in claim 2. Claim 2 has been amended to remove this limitation and reference.

Claim 7 was also said to be indefinite for lack of antecedent basis in the recital of "said CCK receptor". Claim 7 has been amended to clarify that the binding element of claim 1 (from which claim 7 ultimately depends) binds to the human CCK receptor.


Neither of these claim amendments are narrowing amendments, and thus they do not create prosecution history estoppel under *Festo* with regard to the affected claim elements.

CONCLUSION

For the reasons given above, Applicants believe all the pending claims are in condition for allowance, and respectfully request that the Examiner issue a Notice to that effect. If any fee is required in connection with this communication; please use Deposit Account 01-0885 for payment of any fee that may be due.

Respectfully submitted,

Date: 8/04/03



Carlos A. Fisher
Reg. No. 36,510
ALLERGAN, INC.
T2-7H
2525 Dupont Drive
Irvine, CA 92612
Tel: 714-246-4920
Fax: 714-246-4249